



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director

Date: November 15, 2013

Subject: Request to allow annexation of a portion of Kirkland near Yarrow Bay to the Town of Yarrow Point

RECOMMENDATION

That the City Council reviews the following response to the request to transfer jurisdiction of properties west of Yarrow Bay from Kirkland to the Town of Yarrow Point.

The staff recommendation is to take no further action, until or unless the Town of Yarrow Point indicates a desire to annex the area in question.

BACKGROUND DISCUSSION

On September 16, 2013, owners of sixteen properties in the small area of Kirkland located on the west side of Yarrow Bay submitted to the City Council a petition requesting that the area be annexed to the adjacent Town of Yarrow Point. The area in question is somewhat isolated, being separated from the rest of Kirkland by Yarrow Bay and obtaining access only from Points Drive eastward to Lake Washington Boulevard. The residents indicated that their associations are predominately with areas to the west. For example the area is part of the Bellevue School District.

Points Drive was at one time a through street connecting Kirkland with Yarrow Point, Clyde Hill, Medina and Hunts Point. However, the through street also provided a shortcut to the entrance to SR 520 located further to the west. As a result, the street was often used to by-pass the more congested entrance to SR-520 located at Lake Washington Boulevard. In response to traffic complaints by Yarrow Point and Clyde Hill residents, the street was closed off at the Kirkland border in the late 1980's.

During the recent construction work on SR 520, the closure of Points Drive was temporarily removed. While it was, the Kirkland residents in the vicinity enjoyed the convenience of the opened street. The closure was recently reinstated and a permanent barrier is now in the process of being constructed.

The residents proposing annexation attended a Kirkland City Council meeting on October 1, 2013 and verbally asked for the City to consider the transfer of jurisdiction. Also at the meeting were several residents of Yarrow Point and Clyde Hill who live on the Points

Drive west of the barrier. These residents spoke in opposition to the jurisdiction change and complained that during the time the barrier was opened, the adjacent Kirkland residents sped through their neighborhood and created safety hazards.

A representative of the Town of Yarrow Point indicated to me that both sides of the annexation proposal have also attended Yarrow Point Council meetings. The Yarrow Point Council discussed the matter at its meeting on November 12. According to the representative, the Yarrow Point Council did not express an interest in taking action on the annexation at this time. Strong opposition to the annexation was expressed by many existing Yarrow Point residents and the Council was not presented with any definitive information by the Kirkland residents regarding the costs/benefits to the Town associated with an annexation. The Council reiterated that any costs would need to be borne by the Kirkland residents, including the projected cost of relocating the Points Drive barrier (approximately \$250,000).

If annexation were to occur, the following statute governs the procedure:

RCW 35.10.217 Methods for annexation.

The following methods are available for the annexation of all or a part of a city or town to another city or town:

- (1) A petition for an election to vote upon the annexation, which proposed annexation is approved by the legislative body of the city or town from which the territory will be taken, may be submitted to the legislative body of the city or town to which annexation is proposed. An annexation under this subsection shall otherwise conform with the requirements for and procedures of a petition and election method of annexing unincorporated territory under chapter [35.13](#) RCW, except for the requirement for the approval of the annexation by the city or town from which the territory would be taken.
- (2) The legislative body of a city or town may on its own initiative by resolution indicate its desire to be annexed to a city or town either in whole or in part, or the legislative body of a city or town proposing to annex all or part of another city or town may initiate the annexation by adopting a resolution indicating that desire. In case such resolution is passed, such resolution shall be transmitted to the other affected city or town. The annexation is effective if the other city or town adopts a resolution concurring in the annexation, unless the owners of property in the area proposed to be annexed, equal in value to sixty percent or more of the assessed valuation of the property in the area, protest the proposed annexation in writing to the legislative body of the city or town proposing to annex the area, within thirty days of the adoption of the second resolution accepting the annexation. Notices of the public hearing at which the second resolution is adopted shall be mailed to the owners of the property within the area proposed to be annexed in the same manner that notices of a hearing on a proposed local improvement district are required to be mailed by a city or town as provided in chapter [35.43](#) RCW. An annexation under this subsection shall be potentially subject to review by a boundary review board or other annexation review board after the adoption of the initial resolution, and the

second resolution may not be adopted until the proposed annexation has been approved by the board.

(3) The owners of property located in a city or town may petition for annexation to another city or town. An annexation under this subsection shall conform with the requirements for and procedures of a direct petition method of annexing unincorporated territory, except that the legislative body of the city or town from which the territory would be taken must approve the annexation before it may proceed.

(4) All annexations under this section are subject to potential review by the local boundary review board or annexation review board.

One option for the Council to consider is to approve a Resolution allowing the annexation as described under either Section 2 or 3 above. However annexations under either of these Sections would still require the approval of the Town of Yarrow Point before the annexation became effective. If the Council desires to pursue this option, staff would need direction to bring back such a Resolution along with the financial and municipal service analysis that would be needed to support the Resolution.

Staff is not opposed to the annexation. A preliminary evaluation shows a slight financial cost to Kirkland and some modest utility service issues that would need to be dealt with, but overall it would not significantly impact the City. However, given the lack of interest by the Town of Yarrow Point in annexing the area in question, staff recommend that the Council take no further action on the matter unless and until the Yarrow Point Council expresses an interest in moving forward with annexation.

RECEIVED

SEP. 16 2013

3:15 pm

CITY OF KIRKLAND

Petition for Border Change

The undersigned residents and property owners of the properties bounded by: The Town of Yarrow Point to the west, NE Points Drive to the south, The Yarrow Bay Wetlands to the east, and Lake Washington to the North, hereby petition The Town of Yarrow Point and The City of Kirkland to change the jurisdictional border such that the aforementioned properties become part of The Town of Yarrow Point. A King County assessor's map illustrating the proposed change is attached.

This petition has unanimous support of the residents.

Reasons for the petition:

- Our neighborhood has been permanently separated from Kirkland by the Yarrow Bay Wetlands since its construction.
- The area is physically part of Yarrow Point, and will always remain isolated from Kirkland.
- The children from our neighborhood attend Clyde Hill schools along with the children of Yarrow Point.
- The King County tax assessor reviews our properties as part of the Yarrow Point area (#33).
- A side benefit of the recent 520 construction has been our ability to function as part of the Yarrow Point community.
- We respectfully request that this change be made permanent.

Christopher Hanak 8/24/13	Alexandra Hanak 8/24/13	5906 NE Points Drive
Christopher Hanak	Alexandra Hanak	
Jim Hermann	Kristi Hermann	3605 96 th Ave. NE
Kent Marquardt	Renée Marquardt	3617 96 th Ave. NE
Kent Marquardt	Renée Marquardt	
	RICHARD HOTEL 8/25/13	3701 96 th Ave. NE
Mary Greely	PAUL SWILONTKOWSKI	
Mary Greely 8/24/13	Paul Swilontkowski 8/24/13	3708 96 th Ave. NE
Eric Shellow 8/24/13	Karen Shellow 8/24/13	3709 96 th Ave. NE
Eric Shellow	Karen Shellow	
Douglas Tetty	Veronica Morgan 8/24/13	3715 96 th Ave. NE
Douglas Tetty	Veronica Morgan	
Lewell Press 8/24/13	Nastashia Press 8/25/13	3727 96 th Ave. NE
Lewell Press	Nastashia Press	
TEIR C. BARE 8/24/13	DIANNA LKBARR 8/24/13	9610 NE 38 th Street
TEIR C. BARE	DIANNA LKBARR	
A.P.M. 8/24/13	Sch Schumacher 8/21/13	9612 NE 38 th Street
A.P.M.	Sch Schumacher	
JEFFREY W. HUNDIE 8/24/13	Barbara J. HUNDIE	9619 NE 38 th Street
JEFFREY W. HUNDIE	Barbara J. HUNDIE	
Peter Evans	Diane Evans	3811 97 th Ave. NE
PETER EVANS	DIANE EVANS	
DAVID FOLLETT 8/26/13	VILL FOLLETT 8/26/13	3901 97 th Ave. NE
DAVID FOLLETT	VILL FOLLETT	

Courtney Bailey

C. Bailey 8-28-13

Thomas Bailey

Thomas Bailey

8-28-13

3923 97th Ave. NE

Tony Yip

Tony Yip 8/25/13

Y. Anita Chung

8/25/13

3929 97th Ave. NE

~~Paul H. K. Tsang~~

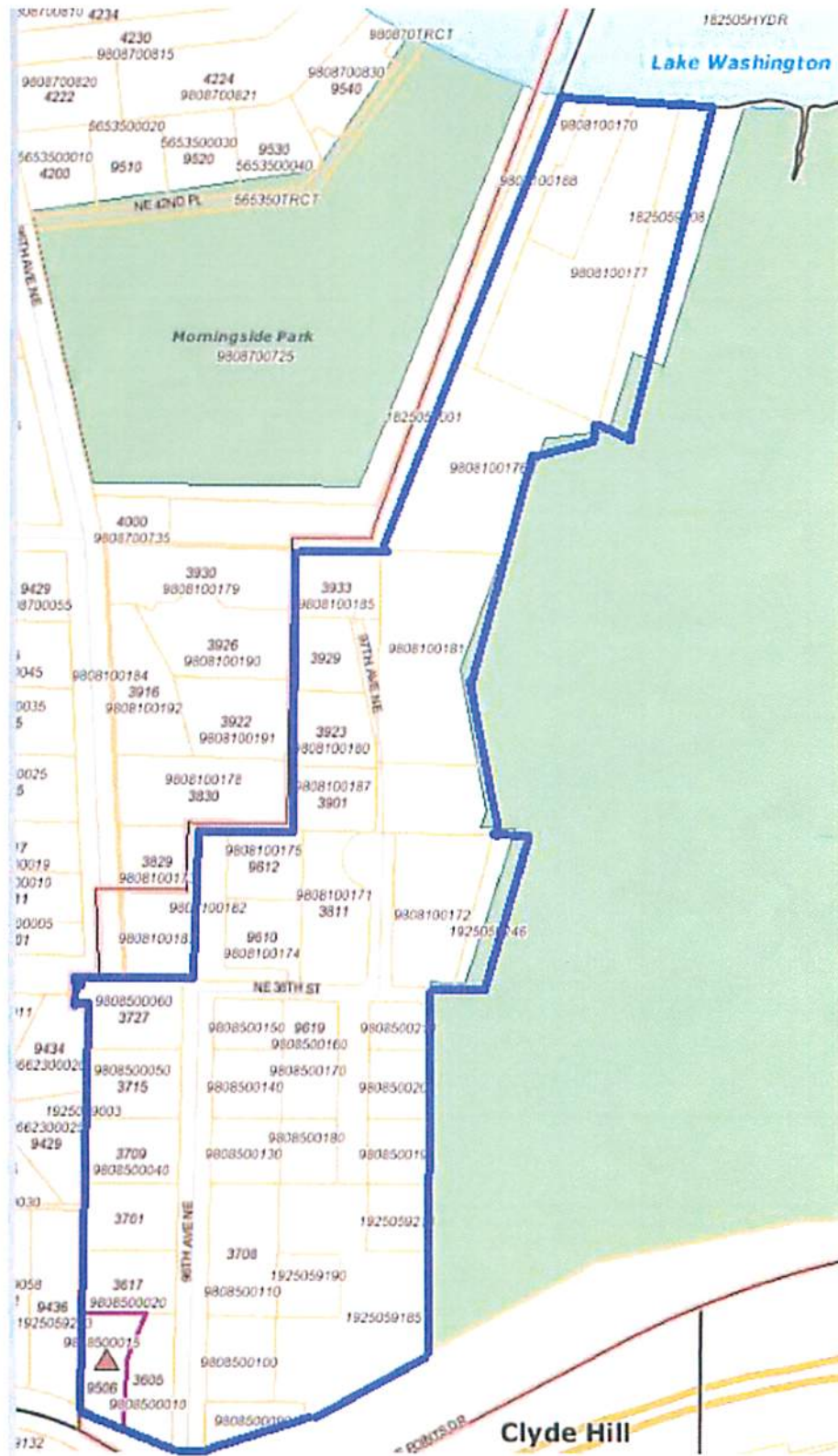
8/24/13

Branda Tsang

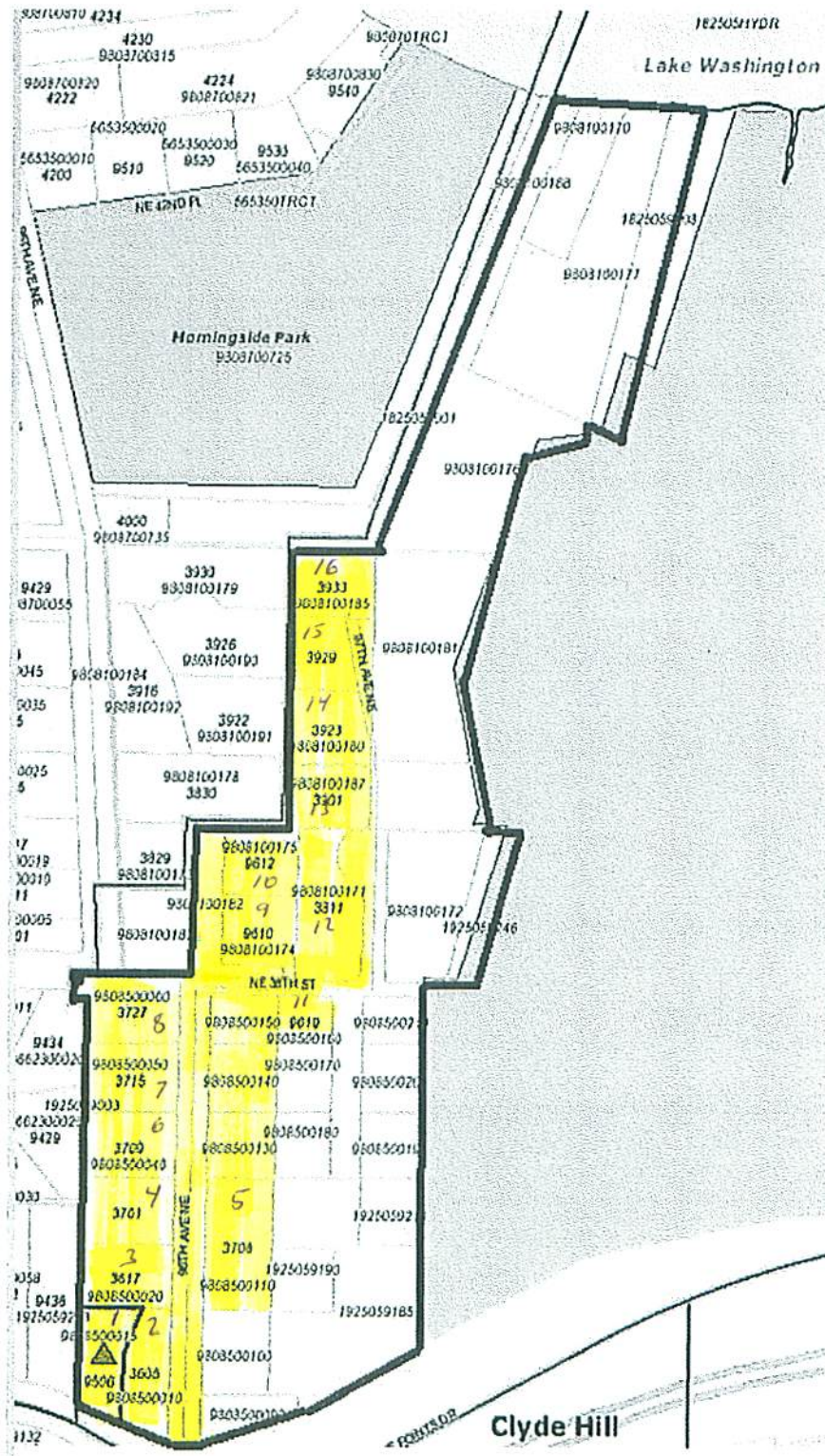
8/24/13

3933 97th Ave. NE

Map of Proposed Change



Map of Proposed Change



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SEP 16 2013

3:45 pm

CITY OF KIRKLAND

Street Order	Last Name	First Name	Address	Phone	Email
1	Hanak	Sandy & Chris	9506 NE Points Dr	(860) 355-8810 (home) (203) 830-9331 (cell)	sandy.hanak@yahoo.com cihanak@yahoo.com
2	McMann	Kristin & Jim	3605 96 th Ave NE	(425) 709-6767 (h)	kuvara@msn.com jcmcmann@global-engllc.com
3	Marquardt	Renee & Kent	3617 96 th Ave NE	(206) 708-4605 (R) (206) 579-8410 (K)	rmarquardt2003@msn.com kent.marquardt@premera.com
4	Hotes	Richard	3701 96 th Ave NE		rwh@aks.com
5	Swiontkowski Montag	Paul & Mary Garry & Heather	3708 96 th Ave NE	(206) 300-9602 (M) (415) 830-2378 (P)	mary_greely@hotmail.com paul.swiontkowski@hotmail.com
6	Shellow	Karen & Eric	3709 96 th Ave NE	(425) 449-8414 (home) (949) 306-5770 (K) (425) 299-0172 (E)	karen.shellow@gmail.com eshellow@gmail.com
7	Tefft (Morgan)	Veronica & Doug	3715 96 th Ave NE	(425) 452-2968 (home) (425) 503-4840 (D)	d.tefft@icloud.com
8	Press	Sasha & Lowell	3727 96 th Ave NE	(425) 644-1888 (home) (425) 444-1022 (S) (425) 444-1042 (L)	sasha.press@comcast.net lowellp@comcast.net
9	Barr	Dianna & Ted	9610 NE 38 th St	(425) 451-3683 (home) (425) 462-4224 (T-business, 24 hr/day) (425) 785-2666 (D-text only please, Emergency calls ok)	dianna@barrcasa.com ted@tedcbarr.com
10	Patel	Shilpi & Ash	9612 NE 38 th St	(425) 454-3840 (home) (425) 829-1944 (A)	ashpatel10@hotmail.com a.patel@proliancesurgeons.com
11	Hindle	Barb & Jeff	9619 NE 38 th St	(206) 755-7204 (B) (206) 949-0690 (J) (425) 453-4094 (h)	barbhindle@cbbain.com jeffhindle@comcast.net
12	Ewens	Diane & Peter	3811 97 th Ave NE	(214) 762-5903 (D) (214) 616-5817 (P)	djhewens@gmail.com pewens@gmail.com
13	Follett	Jill & Dave	3901 97 th Ave NE	(425) 649-2140 (home) (206) 601-7316 (J) (206) 612-8649 (D)	djfollett@msn.com david.follett@mossadams.com
14	Bailey	Courtney & Tom	3923 97 th Ave NE	(425) 455-2070 (home) (425) 516-8210 (C) (425) 785-6525 (T)	courtneyinseattle@hotmail.com tbailey@microsoft.com
15	Yip (Chung)	Anita & Tony	3929 97 th Ave NE	(425) 647-6604 (A) (425) 894-3926 (T)	anita_chung@hotmail.com
16	Tsang	Brenda & Paul	3933 97 th Ave NE	(425) 646-5483 (h) (425) 736-3996 (B)	bwtsang@yahoo.com pktsang@yahoo.com